IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16346 of 2007

Dated: August 2, 2007

Between:

Smt. Kareemunissa Begum, D/o. Shaik Ismail,
Aged about 61 years, R/o.H.No.8-2-238/3,
Panjagutta, Hyderabad.

… Petitioner

And

Municipal Corporation of Greater Hyderabad,
Represented by its Commissioner, Tank Bund,
Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the notice dated 19-07-2007 issued by the second respondent – Assistant City Planner, Circle No.5, and the action of the respondents in asking the petitioner to accept compensation and to surrender the property bearing H.No.8-2-238/2, situated at Panjagutta, Hyderabad as

arbitrary and illegal.

2. I have heard learned counsel for the petitioner, Smt. Kalpana Ekbote for respondents 1 and 2 and learned Government Pleader for Municipal Administration and Urban Development for the third respondent.

3. Petitioner claims to be the owner and possessor of house bearing No.8-2-238/3, situated at Panjagutta, Hyderabad, admeasuring
47 square yards, having purchased the same under a registered sale deed dated 13-09-1977. It is stated that the respondents are contemplating to widen the road from Panjagutta towards Ameerpet cross roads and for that purpose, they are taking steps to demolish major portion of the house of the petitioner without taking her consent and without following due process of law.

4. The notice dated 19-07-2007 is only a notice issued to the petitioner asking her to exercise option for giving consent to handover advance possession of the area affected in road widening. It is stated that for the purpose of road widening from Panjagutta Junction to Maitrivanam Junction, to a width of 150', an extent of 34 square yards covered by structures is being affected so far as the property of the petitioner is concerned. Once option of the petitioner is sought by the respondents, it is for her to give consent or dissent. However, as much as it is stated that so far no consent has been given by the petitioner, the only option for the respondents is to invoke the provisions of the Land Acquisition Act, 1894 for the purpose of acquiring the area required for public purpose. Hence, I do not find any reason to set aside the impugned notice.

5. In the circumstances, I dispose of the writ petition directing the respondents not to deprive the petitioner of the property referred above or any portion thereof without following due process of law. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

August 2, 2007
N.B. Furnish C.C. in three days
B.O.
MRR